



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



HW

**CERTIFIED MAIL**  
**7000 1670 0000 0585 9008**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 04-04**

Cumberland Farms  
777 Dedham St  
Canton, MA 02021

Attn Mr. Richard Etzold, Manager of US' Compliance

**Re Exxon Division of CFI**  
**1 Continental Blvd**  
**Merrimack, New Hampshire 03053**  
**EPA ID # NHD986486090**

Dear Mr. Etzold:

On February 18, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Exxon Division of CFI ("Exxon") in Merrimack, NH. The purpose of the inspection was to determine Exxon's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiency in your hazardous waste management program was documented:

**1 Env-Wm 502.01 – Hazardous Waste Determination**

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Exxon. The DES inspector also confirmed that Exxon disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of a waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Exxon test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by Exxon using knowledge

of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Exxon may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters." During the inspection, DES provided the facility with a DES "Fluorescent Lamp and Ballast Recycling Facility" list which can be used to aid you with the determination.

Exxon will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

DES believes the cited deficiency can be corrected and a report describing the corrective measures taken by Exxon can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Exxon including issuing an order requiring that the deficiency be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution

DES

prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Tod Leedberg, Compliance Manager, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black "COPY" stamp.

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
Karen Rinker, Manager, Exxon Division of CFI, Continental Blvd, Merrimack, New Hampshire 03053

E-mail: JJD/SD/SN/PM

Enclosure: Hazardous Waste Generator Inspection Report